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14
15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18 OWEN DIAZ,

19 Plaintiff,

20 v.

21 TESLA, INC. DBA TESLA MOTORS, INC.,

22 Defendant.

Case No. 3:17-cv-06748-WHO

**DEFENDANT TESLA INC.'S
OBJECTIONS TO PLAINTIFF'S
DISCOVERY DESIGNATION**

Trial Date: March 27, 2023
Complaint Filed: October 16, 2017

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26 Defendant Tesla, Inc. ("Tesla") provides the following objections to Plaintiff Owen Diaz'
27 designations of discovery requests and responses for presentation at trial as part of his case in
28 chief.

Initial Discovery Information Pursuant to G.O. No. 71:

Initial Disclosures: March 30, 2018 (Section (3)a).

NO.	INTERROGATORY	RESPONSE	OBJECTION/ COUNTERDESIGNATION
71.	<p>I. During their temporary assignments to Tesla, Plaintiff Demetric Di-az and Plaintiff Owen Diaz (collectively “Plaintiffs”), were supervised by:</p> <p>A) Javier Caballero: Plaintiff Demetric Di-az</p> <p>B) Ed Romero: Plaintiff Owen Diaz</p>		<p>The information in the discovery request and response concerning Demetric Di-az is irrelevant to the issues presented in the retrial and unduly prejudicial to Tesla and potentially confusing to the jury. (FRCP Rules 402 and 403) The discovery discloses that Demetric Di-az asserted claims as a Plaintiff which should be excluded.</p>

Special Interrogatories to Defendant Tesla:

Set One: June 4, 2018 (No. 8)

Set Three: May 24, 2019 (Nos. 17-18)

NO.	INTERROGATORY	RESPONSE	OBJECTION/ COUNTERDESIGNATION
8.	<p>Please provide the last best-known contact information for Edward Romero. (In responding to this interrogatory, the term contact information, includes, but is</p>	<p>Mr. Romero is a former Tesla employee but he is represented by counsel for Tesla in this action. Accordingly, Mr. Romero may be</p>	<p>Objection: relevance, prejudice. While accurate when given, this discovery response outdated. Counsel for Tesla has thus far been unable to reestablish contact</p>

NO.	INTERROGATORY	RESPONSE	OBJECTION/ COUNTERDESIGNATION
	not limited to, address, phone number and email.)	contacted through counsel of record for Tesla.	with Mr. Romero. Reading this response to the jury suggesting that Tesla has control of Mr. Romero would be improper and prejudicial.
17.	Please DESCRIBE in comprehensive detail each position Victor Quintero has held during his employment at the TESLA FACTORY from 2014 to present. (For the purposes of responding to this interrogatory, the term “DESCRIBE” means to list, for each position, the job title, job duties, hours worked, and dates the position was held.)	Victor Quintero’s position is Manager, Recycling Services, from May 12, 2015, through the date of this response.	
18.	Please DESCRIBE in comprehensive detail each position Ramon Martinez held during his employment at the TESLA FACTORY. (For the purposes of responding to this interrogatory, the term “DESCRIBE” means to list,	Ramon Martinez was not employment by Tesla during the time that Plaintiff Owen Diaz or Plaintiff Demetric Di-az worked at Tesla. Ramon Martinez’s position from January 14, 2019, to the date of	The information in the discovery request and response concerning Demetric Di-az is irrelevant to the issues presented in the retrial and unduly prejudicial to Tesla and potentially confusing to the jury. (FRCP 402 and 403) The discovery

NO.	INTERROGATORY	RESPONSE	OBJECTION/ COUNTERDESIGNATION
	for each position, the job title, job duties, hours worked, and dates the position was held.)	this response is Lead Material Handler.	discloses that Demetric Di-az asserted claims as a Plaintiff which should be excluded.

Objection/Counter to Requests for Admissions to Defendant Tesla:

Set One: May 24, 2019 (No. 2)

Set Two: October 11, 2019 (No. 10)

NO.	INTERROGATORY	RESPONSE	OBJECTION/ COUNTERDESIGNATION
2.	Admit that Plaintiff Owen Diaz was working at the TESLA FACTORY pursuant to the contract YOU had with Defendant Citistaff, Inc.	Defendant admits that it contracts with NextSource to staff temporary workers at its facilities. It is Defendant's understanding that NextSource contracts with CitiStaff, Solutions, Inc., among other third parties, to secure temporary staffing at its facilities.	Relevance, unduly prejudicial, and jury confusion. The relationship between Mr. Diaz and Tesla is not at issue in this trial.
10.	Admit YOU have no security recordings or footage of any interactions between Plaintiff Owen Diaz and Ramon Martinez.	Admit.	

1 DATED: February 13, 2023

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SULLIVAN, LLP

4 By: /s/ Daniel C. Posner

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